

Andrew P. GOWER, *et al.*
Serial No. 10/540,256
February 6, 2009

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

In response to the rejection of claims 1-16 under 35 U.S.C. §112, 2nd paragraph, the word “abstract” has simply been deleted as unnecessary. Accordingly, this ground of rejection has been mooted.

The rejection of claims 1-5 and 9-16 under 35 U.S.C. §102 as allegedly anticipated by Bjorn ‘987 is respectfully traversed.

Applicants’ distinguishing arguments over Bjorn already of record are hereby expressly incorporated by reference so as not to unduly encumber the record.

Suffice it to note that Bjorn does not teach the use of any physical memento object – i.e., something separate from and not part of a user’s body. The user’s own finger/fingerprint does not constitute a physical memento object. As the applicants’ specification makes clear, a memento object, in accordance with the common dictionary meaning, is a gift or found object which constitutes a focus for the possessor’s memory of an experience, event or special occasion – such that subsequent exposure to the memento can effectively link memories to the event or occasion. See, for example, the specification at page 1, lines 3-5.

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In a further effort to avoid this essentially irrelevant reference, the word “token” has been deleted and the independent claims have been amended so as to make it clear that the physical memento object being claimed is separate from any part of a user’s body. That is, the applicants are not claiming a fingerprint identification security system where some unique part of a user’s body is measured in order to grant access to particular files or systems. Instead, the applicants’ invention is directed to a physical memento object that is separate and apart from a human body (including its fingers, fingerprints, etc.).

Given this fundamental distinction between the independent claims and any possible teaching or suggestion of Bjorn, it is not necessary at this time to discuss additional deficiencies of this reference with respect to other aspects of the rejected claims. Suffice it to note that, as a matter of law, it is impossible for any reference to anticipate a claim unless it teaches each and every feature of that claim.

The rejection of claims 6-8 under 35 U.S.C. §103 as allegedly being made “obvious” based on Bjorn in view of Katsumura ‘738 is also respectfully traversed.

As already noted in earlier remarks of record, Katsumura does not supply the deficiencies of Bjorn. Furthermore, in line with the commonly accepted definition of “memento object” as noted above and as expressly noted in the specification, neither

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Katsumura nor Bjorn teaches or suggests the use of physical memento objects for creating a computer system association/link between the physical memento object appearance and stored files. The object which is photographed in Katsumura is not a memento – it is the physical object which is to be found in another stored image of the exact same identical thing.

As will be noted, claim 6 has been amended so as to require a single object identification profile to be created from measurements of the parameters and one or more other physical characteristics of the memento object – the memento object not being contained within any image of the associated stored files. Accordingly, claims 6-8 are now even more patentably distinct than before from any possible teaching or suggestion of the cited references.

The Examiner is thanked for providing a “response to arguments” section. It appears from the Examiner’s comments that the Examiner had some concerns that arguments earlier presented were not sufficiently reflected in claim limitations. As will be noted, the above amendments attempt to meet the Examiner’s criticisms in this regard.

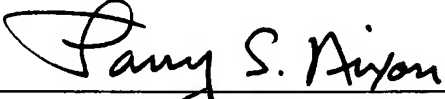
Should the Examiner not find the application to now be completely allowable, it is respectfully requested that the undersigned be telephoned so that an appropriate interview

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can be scheduled to eliminate any remaining obstacles to the complete allowance of this application.

Respectfully submitted,

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